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REMARKSSummary of Claim Amendments

Claim 32 is amended with this response. Thus, the pending claims to be considered by the Office are Claims 32, 34-36, 40, 41, 43, 45, 46, 48-52, 54, 55, 57, 59-63, 65-69, and 71-72.

Summary of the Office Action

The Office Action dated May 16, 2007, included the following rejections and objections:

1. Claim 39 was objected to for failing to further limit the subject matter of a previous claim.
2. Claims 32-36, 39-41, 43, 46, 48-52, 54, 55, 57, 59-63, and 65-69 were rejected under U.S.C. 103(a) as being unpatentable over WO 03/014462 to Crenshaw et al., in view of Vorel (WO 96/22413, machine translation), Allen (U.S. 3,801,421), Newbould (EP 0367441), Ashton (U.S. 5,057,175), and Pourmand (U.S. 6,342,115).
3. Claims 44 and 45 were rejected under U.S.C. 103(a) as being unpatentable over WO 03/014462 to Crenshaw et al., in view of Vorel, Allen, Newbould, Ashton, and Pourmand, and further in view of Hutter (U.S. 3,005,230).
4. Claims 48, 49, 71, and 72 were rejected under U.S.C. 103(a) as being unpatentable over WO 03/014462 to Crenshaw et al., in view of Vorel, Allen, Newbould, Ashton, and Pourmand, and further in view of U.S. 5,932,317 to Kerr.

Discussion of the Amendments and Rejections

Claim 32 has been amended to limit the claimed range of the deformability to about 14-25%, and to include the language on page 15, line 16-19 thru page 16, lines 1-2 to indicate the conditions

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under which the deformability is determined, as suggested by the Examiner. Applicants respectfully submits that these amended amendments address the rejection under 35 USC section 112, first paragraph and second paragraph.

Application respectfully submits that it is not necessarily inherent that the claimed deformability range of 14-25% would be inherent in the modified Crenshaw. Inherency requires that no other result could be obtained by the teaching of the prior art. As previously noted, the deformability of one embodiment of the claimed invention is the result of presence of voids between the crumbs. (pg 4, lines 3-5). Applicant respectfully submits that the claimed deformability of about 14-25% is not necessary a result of the process cited in the prior art. Therefore, applicant respectfully submits that the claimed invention, as modified, is patentable over the prior art.

CONCLUSION

In view of the foregoing Amendments and Remarks, the Examiner is respectfully requested to withdraw the outstanding rejections and to pass the subject application to allowance. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Fee Authorization: In the event that there are additional fees associated with the submission of these papers, Applicants hereby authorize the Commissioner to withdraw those fees from Deposit Account No. 04-0500.

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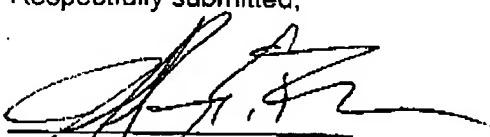
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Extension of Time: This response is accompanied by a Petition for Extension of Time (three months). In the event that additional time is required to have the papers submitted herewith for the above-referenced application to be considered timely, Applicants hereby petition for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from Deposit Account No. 04-0500.

Respectfully submitted,

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